

57-13b-101. Title.

This chapter is known as the "Easement for Historical Livestock Trail Act."

Enacted by Chapter 118, 2005 General Session

57-13b-102. Definition.

As used in this chapter, "historical livestock trail" means property over which livestock has historically traveled to or from a grazing area or market.

Enacted by Chapter 118, 2005 General Session

57-13b-201. Prescriptive easement for livestock trail.

(1) A prescriptive easement may be established if:

(a) a property owner uses an historical livestock trail that crosses another person's property for a period of 20 years; and

(b) the use of the other owner's property as an historical livestock trail for the 20-year period described in Subsection (1)(a) is:

(i) continuous;

(ii) open and notorious; and

(iii) adverse.

(2) If a property owner establishes that a use is continuous and open and notorious under Subsections (1)(b)(i) and (ii), there is a rebuttable presumption that the use is adverse.

(3) Notwithstanding Subsections (1) and (2), a prescriptive easement under this chapter may only be established on private lands.

Enacted by Chapter 118, 2005 General Session